HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. (C) No.1170/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant **Applicant**		Susheel Rai, aged about 50 years, son of Shri Ram Charan Rai, Caste–Khatri, resident of village Mahabeerpur, P.S. Jainagar, Tahsil Surajpur, District Sarguja (CG)
		Versus
Respondent **N.A. No.1**	1.	The Oriental Insurance Company Limited, thorugh – the Branch Manager, the Oriental Insurance Company Limited, Near Ambedkar Chowk – Ambikapur, Distt. Sarguja (CG) (Insurer)
Respondent **N.A. No.2**	2.	Bholanath Ghosh, son of Shri Manoranjan Ghosh, resident of village Kumda Colony, Qtr No.141, P.S. Bishrampur, Tah.Surajpur, Distt. Sarguja (CG) (Owner)
Respondent **N.A. No.3**	3.	Satya Narayan Swayee, son of Jogendra Swayee, aged about 20 years, resident of village Kumda Colony Qtr No.75, P.S. Bishrampur, Tahsil Surajpur, Distt. Sarguja (CG)

Miscellaneous appeal under Section 173 of the Motor Vehicle Act, 1988

Present:-
Shri Susheel Dubey, counsel for the appellant.

ORAL ORDER
(Passed on 12th October, 2007)

Heard on admission.

(2) The appellant is aggrieved by the impugned award dated 31/08/2007 passed by the IInd Additional Motor Accident Claims Tribunal (FTC) Surajpur, Distt. Surguja (CG) in claims case No.98/2006, wherein in an injury case, the M.A.C.T has awarded Rs.86,499/- as compensation under the following heads:-

1)	For pain & suffering	=	Rs.25,000/-
2)	For expenses incurred in treatment	=	Rs.29,028/-
3)	For food during treatment	=	Rs. 3,000/-
4)	For expenses incurred in conveyance	=	Rs. 7,971/-
5)	Loss of income for 3 months	=	Rs. 9,000/-
6)	Special diet for 3 months	=	Rs. 5,000/-
7)	Cost of dependency	=	Rs. 6,000/-
	T o t a l		**Rs.84,999/-**

(3) Learned counsel for the appellant did not dispute that no permanent disability was suffered by the appellant/claimant who did not file a disability certificate or examine the doctor concerned. In this view of the matter, the contention of the learned counsel for the appellant that the compensation awarded by the M.A.C.T. is on the lower side cannot be accepted.

(4) No ground for interference is made out in the award passed by the M.A.C.T. The appeal being devoid of any merit is dismissed, at the stage of admission. However, it appears that in para 19, the sum total of the compensation awarded comes to Rs.84,999/- whereas the compensation awarded by the Tribunal has been shown as 86,499/- which is thus in excess of Rs.1,500/-. Since this is a mathemetical calculation error, it could and should be corrected *suo moto* by the M.A.C.T. A copy of this order be sent to the MACT forthwith.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya